

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

BUTCH’S BEST, LLC, Plaintiff, v. DAN SCHANTZ FARM & GREENHOUSES, LLC, Defendant.	2:23-CV-13045-TGB-EAS HON. TERRENCE G. BERG TEMPORARY RESTRAINING ORDER
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This matter comes before the Court by way of an ex parte application for a Temporary Restraining Order, filed by Butch’s Best, LLC, (“Plaintiff”) pursuant to the provisions of the Perishable Agricultural Commodities Act (“PACA”), 7 U.S.C. § 499a. (ECF No. 4). This Court has jurisdiction under 7 U.S.C. § 499e(c)(5), 28 U.S.C. § 1331, and 28 U.S.C. § 1367(a).

For the reasons set forth in this Court’s corresponding Memorandum Opinion,

IT IS HEREBY ORDERED, this 5th day of December, 2023, that Plaintiff’s application for issuance of a Temporary Restraining Order (ECF No. 3) is **GRANTED**;

IT IS FURTHER ORDERED,

That Defendant, Dan Schantz Farm & Greenhouses, LLC, shall show cause before this Court on Tuesday, December 19, 2023, at 8:30 a.m.

why the Court should not issue an Order, under Federal Rule of Civil Procedure 65(a), preliminarily enjoining Defendant from alienating, dissipating, paying over, or assigning any assets except for payment to Plaintiff until further Order of this Court, or until Defendant pays Plaintiff the sum of \$136,630 plus interests, costs, and attorney's fees by cashier's check or certified check at the Preliminary Injunction Hearing;

That Defendant shall file and serve any papers in advance of the Preliminary Injunction Hearing by Tuesday, December 12, 2023;

That Plaintiff shall file and serve any reply papers in advance of the preliminary injunction hearing by Friday, December 15, 2023;

That pending the Preliminary Injunction Hearing, Defendant is hereby **TEMPORARILY RESTRAINED AND ENJOINED** pursuant to Federal Rule of Civil Procedure 65(b) from alienating, dissipating, paying over, or assigning any assets except for payment to Plaintiff until further Order of this Court, or until Defendant pays Plaintiff the sum of \$136,630 plus interest, costs, and attorney's fees, as set forth above, by cashier's check or certified check;

That prior to the Preliminary Injunction hearing, Defendant may move to vacate or modify the temporary restraining order on two days' notice to Plaintiff;

That no security or bond shall be required under Federal Rule of Civil Procedure 65(c) because it appears that Defendant presently holds \$136,630 worth of Plaintiff's assets;

That Plaintiff shall effectuate service upon Defendant by Thursday, December 7, 2023, and it is further

That Plaintiff shall file proof of service with the Court by Friday, December 8, 2023.

SO ORDERED this 5th day of December, 2023 at 2:50 PM.

BY THE COURT:

/s/Terrence G. Berg

TERRENCE G. BERG

United States District Judge